

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HEATHER BOONE, et al.,
Plaintiffs,
v.
AMAZON.COM SERVICES, LLC,
Defendant.

No. 1:21-cv-00241-ADA-BAM

Member Case No. 1:22-cv-00146-ADA-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFFS' MOTION FOR
APPOINTMENT OF INTERIM CLASS
COUNSEL

(ECF Nos. 62, 74)

On February 23, 2021, Plaintiffs filed this class and collective action, individually and on behalf of all others similarly situated, alleging that Defendant implemented an unlawful policy requiring its non-exempt, hourly workers to undergo a COVID-19 screening each shift without pay. (ECF No. 1 at ¶ 1.) Plaintiffs assert that these COVID-19 screenings constitute compensable time under both the Fair Labor Standards Act and the California Labor Code, and that, by failing to pay overtime wages for time spent in the screenings, Defendant violated California and federal law. (*Id.* at ¶¶ 1–3.)

Plaintiffs filed their motion for appointment of interim counsel on March 10, 2023. (ECF No. 62.) Defendant filed its notice of non-opposition to Plaintiffs' motion on March 13, 2023. (ECF No. 63.) The hearing set for April 14, 2023 on Plaintiff's motion was vacated and the matter was taken under submission. (ECF No. 64.) The Court additionally ordered Plaintiffs to provide

1 notice of the motion to the counsel in the related matter *Barrera v. Amazon.com Services, LLC, et*
2 *al.* (Case No. 1:22-cv-00146-ADA-BAM). (*Id.*)

3 On May 1, 2023, the Parties filed a stipulation to consolidate the *Boone et al. v. Amazon*
4 *Services, LLC*, action (Case No. 1:21-cv-00241-ADA-BAM) with the *Barrera v. Amazon.com*
5 *Services, LLC, et al.*, action (Case No. 1:22-cv-00146-ADA-BAM). (ECF No. 68.) The cases were
6 consolidated on May 8, 2023. (ECF No. 70.) On May 11, 2023, the assigned Magistrate Judge
7 convened a Status Conference, at which Plaintiff Barrera's counsel informed the Magistrate Judge
8 that they were in agreement with Plaintiffs Boone and Rivera's counsel and did not oppose the
9 motion to appoint interim counsel. (*See* ECF No. 72.) On May 30, 2023, the assigned Magistrate
10 Judge issued findings and recommendations, recommending granting the motion to appoint interim
11 class counsel and to appoint Hodges & Foty, LLP as interim class counsel. (ECF No. 74.) Therein,
12 the Parties were notified that any objections were to be filed within twenty-one days after

13 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a
14 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
15 findings and recommendations are supported by the record and proper analysis. *See* Fed. R. Civ.
16 P. 23(g).

17 Accordingly,

- 18 1. The findings and recommendations issued on May 30, 2023, (ECF No. 74), are
19 ADOPTED in FULL; and
- 20 2. Plaintiffs' motion for appointment of interim class counsel under Rule 23(g), (ECF
21 No. 62), is GRANTED.

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23
24 IT IS SO ORDERED.

25 Dated: October 18, 2023

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UNITED STATES DISTRICT JUDGE